

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**IVAN RAMOS; CEDRIC HOLDER; JUAN
SANTOS; YAMILE ESCOBAR; and DIEGO
ESCOBAR,**

Plaintiffs,

vs.

**1:11-cv-1242
(MAD/CFH)**

THE GOLUB CORPORATION,

Defendant.

APPEARANCES:

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OF COUNSEL:

CORY R. DALMATA, ESQ.

PATRICK J. SACCOCIO, ESQ.

Mae A. D'Agostino, U.S. District Judge:

ORDER

On October 19, 2011, Plaintiffs commenced this civil rights action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000 *et seq.*, alleging retaliation and discrimination on the basis of race and national original. *See* Dkt. No. 1. Their complaint asserts claims arising from separate incidents of harassment. *See id.* Pursuant to a stipulation, Magistrate Judge Hummel recommended that the Court sever the claims of Plaintiffs Juan Santos, Yamille Escobar and Diego Escobar from each other and from the claims of Plaintiffs Ivan Ramos and Cedric Holder. *See* Dkt. Nos. 18, 19, 21. Further, Magistrate Judge Hummel recommended that the

Court order the Clerk of the Court to open three new civil actions for the severed Plaintiffs and assign these cases as related matters to this Court. *See* Dkt. No. 21 at 2. Further, Magistrate Judge Hummel recommended that Plaintiffs Juan Santos, Yamille Escobar, and Diego Escobar be directed to either pay the \$350 filing fee or submit an application for leave to proceed *in forma pauperis* in the new actions and that, if they fail to comply, the Court should dismiss the newly opened actions. *See id.* Finally, Magistrate Judge Hummel recommended that the Court dismiss Plaintiffs Juan Santos, Yamille Escobar, and Diego Escobar from the instant action and order the Clerk to amend the caption to reflect that this matter now involves only Plaintiffs Ivan Ramos and Cedric Holder's claims against Defendant; provided, however, that, for statute of limitations purposes, Plaintiffs Juan Santos, Yamille Escobar, and Diego Escobar's claims against Defendant relate back to the filing of this action. *See id.*

Currently before the Court is Magistrate Judge Hummel's Report-Recommendation and Order, to which neither party has objected.

When a party files specific objections to a magistrate judge's report-recommendation, the district court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). However, when a party files "[g]eneral or conclusory objections or objections which merely recite the same arguments [that he presented] to the magistrate judge," the court reviews those recommendations for clear error. *O'Diah v. Mawhir*, No. 9:08-CV-322, 2011 WL 933846, *1 (N.D.N.Y. Mar. 16, 2011) (citations and footnote omitted). After the appropriate review, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

After carefully reviewing the entire record in this matter, Magistrate Judge Hummel's January 23, 2013 Report-Recommendation and Order, the parties' submissions and the applicable law, and for the above-stated reasons, the Court hereby

ORDERS that Magistrate Judge Hummel's January 23, 2013 Report-Recommendation and Order is **ADOPTED** in its entirety for the reasons stated therein; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order together with Magistrate Judge Hummel's January 23, 2013 Report-Recommendation and Order on all parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: February 14, 2013
Albany, New York



Mae A. D'Agostino
Mae A. D'Agostino
U.S. District Judge